



Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

July 7, 2004

Re: Verizon's Petition for a Declaratory Ruling or, Alternatively, Interim Waiver *and* Verizon's Conditional Petition for Forbearance under 47 U.S.C. § 160(e) with Regard to Broadband Services Provided via Fiber to the Premises, *WC Docket No. 04-242*

Dear Ms. Dortch:

I own a small Internet Service Provider (ISP) in Western Massachusetts. I am one of over 5000 similar small ISPs in the United States with fewer than twenty employees and less than \$10 million in revenue.

I founded this ISP in 1995 to provide Internet Services to an area of Massachusetts which was severely underserved for Internet Services – in fact I was the first ISP in Berkshire County, Massachusetts. When I entered the business Berkshire County had only two options with which to access the Internet – AOL and Prodigy. These services were expensive, slow and as likely to be down as up. I and businesses like mine created an environment in which AOL and Prodigy were forced to compete, interconnect their networks and improve their customer service. This little story exemplified what happened when there were only two competitors for a particular service and what happens when additional competition enters the marketplace. Before the entry of additional competitors, the original competitors became complacent and prices stagnated or increased, quality of service decreased and the consumer lost. Once new competition gained a foothold, prices declined, service improved and the consumer won.

Verizon already has a reputation for poor service. Just last week, we had problems with a leased 56K DDSII line – old technology which Verizon should have under its control. This line went down two weeks in a row. Each time Verizon refused to look into the problem until two hours passed. They refused to escalate the problem when asked. They refused to allow my engineers to speak with Verizon engineers or me to speak with a manager. My engineer pointed out to the Customer Service representative what the problem likely was. That Customer Service representative refused to pass on the information. After five hours had passed on a mission critical circuit, we received a telephone call from the Verizon technician who was dispatched to look at the problem. She informed us that the problem was a poorly seated card – exactly the problem my engineer was trying to pass on to the technician.

In 1995 when I started BerkshireNet, Inc., Verizon was busy plowing its profits into overseas investments instead of investing in upgrading services to the American public. Here in the Berkshires we still have to face telephone lines that were strung on poles in the 1930's. Verizon did not respond initially to the competition by increasing investment. Instead, Verizon complained that the cost incurred by Verizon from having people online so much was a problem. Funny thing, though. Those folks who were online so much eventually bought additional telephone lines. Verizon began to make a great deal of money out of those new telephone lines.

Verizon did not roll that money into improving the infrastructure, however. When Verizon rolled out its own ISP, three years after the Internet became a big thing, they were unable to make a big incursion into the small ISPs market. Verizon continued to shrink services available to ISPs where they could until ISPs left Verizon and other Baby Bells and fled to CLECs for the services they needed. Verizon then attacked the CLECs ability to provide services to the ISPs by cutting whatever services they could from the CLECs. FTTP (Fiber to the Premises) is one of these attacks.

These continuous attacks against CLECs and ISPs will only cause the collapse of a significant portion of the Internet infrastructure. It will become yet another Bell/Time Warner monopoly and will collapse under the weight of mismanagement and abuse.

To allow Broadband to become monopolized by Verizon or the Cable Companies is asking for the entire Internet experiment to come to an end. If Verizon can not provide quality services within its core competency, how can we expect Verizon to provide quality services outside of its unique specialization?

BerkshireNet asks that the Commission refuse the petition and open the gates to true competition by forcing Verizon to sell to ISPs, CLECs and anyone else who has a need for FTTP at a fair and equal price. This is the only way to enforce the rights of the consumer to a quality service at a fair price.

Sincerely,

A handwritten signature in black ink, appearing to read 'MB', with a stylized flourish at the end.

Michael D. Bathrick
President
BerkshireNet